

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-608*

13 **DEANNA MARIE CHENEY,**
14 **aka DEANNA MARIE OSTLING,**
15 **aka DEANNA MARIE SEPPINNI**
621 Vermillion Creek Road
San Dimas, CA 91773

A C C U S A T I O N

16 Registered Nurse License No. 410848

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs (Board).

23 2. On or about March 31, 1987, the Board issued Registered Nurse License No. 410848
24 to Deanna Marie Cheney, aka Deanna Marie Ostling, aka Deanna Marie Seppinni (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on October 31, 2014, unless renewed.

27 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3

4

5
6
7
8

901

2
3
4

5

6
7

8

9

20
21
22

3

2.4
2.5
2.6

27

8

8. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

REGULATORY PROVISION

9. California Code of Regulations, title 16, section 1444 states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160. . . .”

COST RECOVERY

10. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

11. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidence her present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare, as follows:

///

1 a. On or about September 23, 2011, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 273a(b) [cruelty to child by
3 endangering health] in the criminal proceeding entitled *The People of the State of California v.*
4 *Deanna Marie Cheney* (Super. Ct. Los Angeles County, 2011, No. 1PK00996). The Court placed
5 Respondent on four (4) years probation, ordered her to complete a 52 week Parenting Program,
6 ordered her to complete one (1) year of alcohol counseling, ordered her to stay away from
7 juveniles R.C., IV, and M.C., and abide by the family court's order. The circumstances
8 underlying the conviction occurred on or about February 2, 2011, and Respondent was
9 subsequently arrested.

10 b. On or about November 18, 2003, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 243(e)(1) [spousal battery]
12 in the criminal proceeding entitled *The People of the State of California v. Deanna Cheney*
13 (Super. Ct. Los Angeles County, 2003, No. 3PM08995). The Court sentenced Respondent to
14 one (1) day in jail, placed her on three (3) years probation, ordered her to complete 26 weeks of
15 AA (Alcoholic Anonymous) meetings, and ordered her to complete 52 weeks of Domestic
16 Violence Counseling. The circumstances underlying the conviction are that on or about
17 September 12, 2003, after an evening of drinking at the LA County Fair with her husband and
18 arriving at home, Respondent and her husband were involved in an escalated physical altercation.
19 Respondent hit her husband causing abrasions to his face, stomach and back areas.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct / Violate Nursing Practice Act)**

22 12. Respondent is subject to disciplinary action under sections 2761, subdivisions (a)
23 and/or (d), in that Respondent committed acts of unprofessional conduct, and / or acts violating
24 the Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations
25 set forth above in paragraph 11, inclusive, as though set forth fully.

26 ///

27 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 410848, issued to Deanna Marie Cheney, aka Deanna Marie Ostling, aka Deanna Marie Seppinni;

2. Ordering Deanna Marie Cheney to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED:

February 12, 2013

for Marie Ben

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2012507711
12/4/2012dmm
51201188_3.doc cf